IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 29396 of 2007(Y)

PETITIONER:

M.MOHANDAS, PROPRIETOR, KIRAN TRADERS, KILIMANOOR, RESIDING AT RAM BHAVAN, MAHADEVESWARAM, PAZHAYAKUNNINMMEL VILLAGE, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.RAJAN VELLOTH
SRI.SAIJO HASSAN
SRI.A.S.SABU

RESPONDENT:

TRIVANDRUM DISTRICT CO-OPERATIVE BANK, KILIMANOOR BRANCH, KILIMANOOR, THIRUVANANTHAPURAM DISTRICT, REPRESENTED BY BRANCH MANAGER.

BY ADV. SHRI T.R. HARIKUMAR, SC..

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 29396 OF 2007 Y

Dated this the 5th October, 2007

JUDGMENT

The prayer in the Writ Petition is as follows:

> *"Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent Bank not to take any coercive action against the petitioner till the disposal of Ext.P3 Suit."*

2. It is pointed out by Shri T.R. Harikumar, learned counsel appearing for the respondent Bank that Exts.P5 and P6 are issued intimating the petitioner that if the amounts are not paid, action will be taken under Section 13(2) of the Securitisation And Reconstruction of Financial Assets And Enforcement of Security Interest Act, 2002. It would appear that no action as such has been taken under Section 13(2) of the Act. In such circumstances, I feel that the Writ Petition itself is premature and it is dismissed without prejudice to the right of

the petitioner to challenge the proceedings, if issued under Section 13(2) of the Act in accordance with law.

K. M. JOSEPH, JUDGE

kbk.